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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,701	06/24/2005	Frank Cornelis Penning	NL 021402	2409

24737 7590 08/13/2007
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

ELAMIN, ABDELMONIEM I

ART UNIT	PAPER NUMBER
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2116

MAIL DATE	DELIVERY MODE
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08/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/540,701

Applicant(s)

PENNING ET AL.

Examiner

Abdelmoniem Elamin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9, 11-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ottesen et al, US. Pat. No. 5,787,292.

3. Claims 1, 8-9, 12, Ottesen teaches portable device [*portable computer, col. 4, lines 6-9*] comprising;

an optical data storage [*abstract, see also col. 1, line 24*] comprising;

an accessing means for accessing a record carrier for reading data from or recording data to said record carrier [*abstract, se also Fig. 2*], and

a switching means for switching said accessing means between at least two accessing modes having different data rates [*a normal operating disk velocity and at least one low power disk velocity, abstract, col. 16, lines 38-40*] depending on the power mode of the recording apparatus [*abstract*], wherein said accessing means are switched into a first accessing mode having a lower data rate than a second accessing mode when the recording apparatus is in a low power mode [*col. 16, lines 38-40*] in response to a user command of a user of the recording apparatus to enter the first accessing mode independent of a source of power of the optical carrier [*col. 6, lines 52-55, col. 7, lines 38-50*];

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wherein said switching means is external to said optical recording apparatus [*a user may manually select a power saving mode using an input means, see col. 6, lines 52-55, col. 10, lines 12-14, col. 18, line 53*];

a data interface for transmitting and receiving data [*Fig. 2*],

a battery unit for internal supply in a first power supply mode [*col. 6, line 56, col. 10, lines 66-67*],

a power interface for connecting to an external power supply unit for external power supply in a second power supply mode [*col. 11, lines 2-6*].

4. Claim 2, Ottesen teaches said switching means are adapted for detecting the power mode of the recording apparatus from the power supplied [*see discussions related to the activity monitor*].

5. Claims 3, 16, Ottesen teaches said switching means are adapted for switching said accessing means into said first accessing mode when the power supplied is below a predetermined value [*col. 10, line 66 thru col. 11, line 6*].

6. Claim 4, Ottesen teaches said switching means are adapted for receiving and evaluating information identifying the power mode of the recording apparatus [*col. 10, lines 58+*].

7. Claim 5, Ottesen teaches said information is received from an external device, in particular including a command to instruct said switching means to switch between into one of said accessing modes depending on the power mode of the external device [*abstract*].

8. Claim 6, Ottesen teaches said switching means are adapted for switching said accessing means into said first accessing mode when the recording apparatus is in a battery power supply mode [*col. 16, lines 38-40*].

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9. Claim 7, Ottesen teaches said switching means are adapted for switching said accessing means into said second accessing mode when the recording apparatus is in mains power supply mode [*col. 11, lines 2-6*].

10. Claim 11, Ottesen teaches said portable device is a telephone, in particular a mobile phone or a cordless phone, a palmtop computer, a laptop, a digital camera or a camcorder [*portable computer, col. 4, lines 6-9*].

11. Claims 13-15, Ottesen teaches the optical recording apparatus is attached to the portable device, the optical recording apparatus receiving a signal from the portable device, the signal including an identifier indicating whether a high power mode and the low power mode are available [*abstract, col. 10, line 66 thru col. 11, line 6*].

12. Claims 17-19, Ottesen teaches the switching means are activated by an application running on the optical record carrier recording apparatus [*col. 6, line 52+*].

Response to Arguments

13. Applicant's arguments filed on 6/6/2007 have been fully considered but they are not deemed to be persuasive for the following reasons:

14. **In the remarks, the applicant argues as follows:**

“It is respectfully submitted that Ottesen does not teach or suggest any external drive switching means. Rather, the Ottesen drive is controlled by elements internal to the drive itself.”
[see page 10, REMARKS].

15. **The examiner responses as follows:**

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Ottesen teaches a user may manually select a power saving mode using an **input means** [see col. 6, lines 52-55, col. 10, lines 12-14, col. 18, line 53].

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

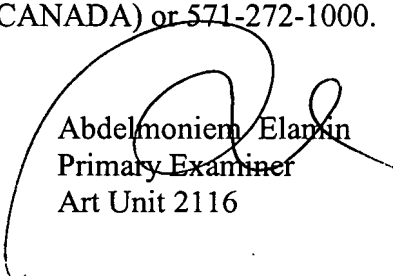
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelmoniem Elamin whose telephone number is 571-2727-3674. The examiner can normally be reached on MON - THUR 10:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Prveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Abdelmoniem Elamin
Primary Examiner
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August 8, 2007